

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEON ST. CLAIR NATION,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK CITY
DEPARTMENT OF BUILDINGS, and PATRICIA J.
LANCASTER,

Defendants.

**DECLARATION IN
OPPOSITION TO
PLAINTIFF'S MOTION FOR
A PRELIMINARY
INJUNCTION**

08 CV 00862 (GEL)

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LOUISE MOED declares, under penalty of perjury and pursuant to 28 USC § 1746, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, attorney for defendant the CITY OF NEW YORK.

2. I am familiar with the facts and circumstances of the instant case based upon records and files maintained by agencies of the City of New York, upon conversations with employees of those agencies, and upon the accompanying declarations and the exhibits referenced hereinbelow.

3. I submit this declaration on behalf of the City in opposition to plaintiff's motion for a preliminary injunction in order to identify the exhibits relied upon by the City that are provided herewith.

PROCEDURAL HISTORY

4. Plaintiff commenced this case on January 24, 2008, by filing an Order to Show Cause in this Court seeking a preliminary injunction enjoining the New York City

Department of Buildings (the “Department” or “DOB”) from excluding him from filing applications or documents with the Department. Oral argument was held at that time on plaintiff’s motion for a stay pending the determination of the motion for a preliminary injunction. At the close of argument, plaintiff’s motion for an immediate stay was denied.

EXHIBITS PROVIDED HERewith

5. The City provides herewith the following documents as exhibits in opposition to plaintiff’s motion for a preliminary injunction:

- Ex. A Transcripts of the hearings held at the New York City Office of Administrative Trials and Hearings (“OATH”) on May 21, 22, and 29, 2007 (annexed under separate cover)
- Ex. B OATH Report and Recommendation dated October 26, 2007
- Ex. C 11 Lynch Street false photos
- Ex. D 11 Lynch Street accurate photos
- Ex. E 91-99 South Third Street accurate photo
- Ex. F 91-99 South Third Street false photo
- Ex. G 150 29th Street accurate photo demonstrating falsity of plaintiff’s application
- Ex. H DOB interim determination dated December 4, 2007
- Ex. I Plaintiff’s response to DOB’s interim determination dated January 2, 2008
- Ex. J DOB final determination letter dated January 15, 2008

6. As is fully set forth in the accompanying Declaration of Stephen Kramer, dated February 1, 2008; and defendants’ Memorandum of Law, plaintiff’s motion for a preliminary injunction should be denied in all respects.

Dated: New York, New York
February 1, 2008

LOUISE MOED (LM 7442)